IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 18863 of 2007(U)

PETITIONER:

C.P.PHILIP,
CHITTUNDIYIL THEKKETHIL, KANNANKODE, ADOOR.
REP.BY HIS POWER OF ATTRORNEY HOLDER,
MATHEWS PHILIP, CHITTUNDIYIL THEKKETHIL,
KANNANKODE, ADOOR.

BY ADV. SRI.JACOB P.ALEX

RESPONDENTS:

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1. SECRETARY,
ADOOR MUNICIPALITY, ADOOR.

2. A.M.SAJI,
PROPRIETOR, PRATEESH FUELS,
INDIAN OIL CORPORATION PETROL PUMP,
CENTRAL ADOOR, ADOOR.

R1 BY ADV. SRI.VARGHESE P.THOMAS
R2 BY ADV. SRI.BECHU KURIAN THOMAS
SRI.ROSHIN D. ALEXANDER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.18863 OF 2007

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DATED THIS THE 24TH SEPTEMBER, 2007

J U D G M E N T

The Secretary of the Municipality has filed a statement. Paragraph 3 of the statement reads as follows:-

"3. It is submitted that Ext.P3 is issued by the Municiaplity after making necessary enquiry. The Municipality will take appropriate action against the 2nd respondent as per Municipality Act, if there is refusal on his part."

2. Mr.Jacob Alex, counsel for the petitioner submits that it will suffice if this Court records paragraph 3 of the statement and closes the Writ Petition. Counsel for the party-respondent does not agree. He sought time to file counter affidavit. However, considering the stand of the Municipality and the submission of Mr.Jacob Alex, counsel for the petitioner, I am of the view that it is not necessary that this Court goes into the contentions raised or to be raised by the 2nd respondent, since the petitioner is satisfied with what is stated in para.3 of the statement filed by the Secretary.

The Writ Petition will stand closed recording para.3 of the

statement. It is made clear that the action proposed by the Municipality in para.3 of the statement shall be an action in accordance with law.

(PIUS C.KURIAKOSE, JUDGE)

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